

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CHRISTOPHER TRYBUS,

Plaintiff,

v.

DECISION AND  
ORDER  
13-CV-602A(F)

NIAGARA COUNTY JAIL MEDICAL STAFF  
SUPERVISOR,  
THE SHERIFF/WARDEN,  
THE DOCTOR, and  
JAMES R. VOUTOUR, Niagara County Sheriff,

Defendants.

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The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 23, 2015, Magistrate Judge Foschio filed a Report and Recommendation (Dkt. No. 15), recommending that defendant Voutour's motion seeking to dismiss the Complaint for failure to state a claim (Dkt. No. 9) should be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, the Complaint is dismissed without prejudice and with leave to replead if plaintiff believes he has complied with the PLRA exhaustion prerequisite. Plaintiff shall file any amended

Complaint no later than April 27, 2015.

The Clerk of Court shall take all steps necessary to close the case

IT IS SO ORDERED.

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: March 27, 2015